UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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| ROBERT ALAN BAILEY, |) |
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| Plaintiff, |))) 2:06-cv-00639-LDG-LRL |
| v. |)) MINUTE ORDER |
| FRAN ABRAMO, et al., |) |
| Defendants. |)) Dated: August 23, 2010 |
| PRESENT: THE HONORABLE LAWRENCE R. LEAVITT, United States Magistrate Judge | |
| JUDICIAL ASSISTANT: Carol DePino RECO | ORDER: None |
| COUNSEL FOR PLAINTIFF(S): | None Appearing |
| COUNSEL FOR DEFENDANT(S): | None Appearing |
| | |

Before the court is plaintiff's Motion Requesting Transcripts Without Payment (#238) pursuant to 28 U.S.C. § 753(f). Defendants filed an Opposition (#239) to the motion. No reply was filed.

Plaintiff's motion must be denied because he does not meet the requirements of 28 U.S.C. § 753(f). Section 753(f) provides, "Fees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question)." As defendants specifically note, the record is silent as to whether plaintiff has been permitted to appeal in forma pauperis, and as to whether a judge has certified that the appeal is not frivolous. Despite defendants' pointing to these deficiencies, plaintiff did not file a reply to cure them. While plaintiff's motion will be denied, the court will do so without prejudice so that plaintiff may refile the motion if he can cure the deficiencies noted herein. Accordingly,

IT IS ORDERED that plaintiff's Motion Requesting Transcripts Without Payment (#238) is denied without prejudice.

LAWRENCE R. LEAVITT UNITED STATES MAGISTRATE JUDGE

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